



**PLANNING AND ZONING BOARD
TOWN HALL**

**April 6, 2021
6:30 PM**

BOARD MEMBERS

Glen Brecheen
Karin Arellano
Holly Broecker
Josie Weiss
Thomas Johnson

STAFF

Paul Larino, Town Manager

Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

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- I. Call to Order.
 - II. Pledge of Allegiance
 - III. Roll Call
 - IV. New Business
 - A. Black East Development
 1. ORDINANCE 2021-04 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, TO CHANGE THE ZONING FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE-FAMILY RESIDENTIAL PUD FOR THE HEREIN DESCRIBED PROPERTY OWNED BY CENTER LAKE PROPERTIES LTD AND LOCATED SOUTH OF FOSGATE ROAD, WEST OF BLACKSTILL LAKE ROAD AND NORTHEAST OF THE FLORIDA TURNPIKE; DIRECTING THE TOWN MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; APPROVING VARIANCES FROM TOWN CODE WITH CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.
 2. RESOLUTION 2021-05 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING PRELIMINARY PLAT APPROVAL FOR A 234 LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS BLACK EAST ON BLACKSTILL LAKE ROAD AND FOSGATE ROAD WITHIN THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.



V. Adjournment

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this Council meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceeding should contact Town Hall at (407) 469-2681, 48 hours in advance of the scheduled meeting.

ORDINANCE 2021-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, TO CHANGE THE ZONING FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE-FAMILY RESIDENTIAL PUD FOR THE HEREIN DESCRIBED PROPERTY OWNED BY CENTER LAKE PROPERTIES LTD AND LOCATED SOUTH OF FOSGATE ROAD, WEST OF BLACKSTILL LAKE ROAD AND NORTHEAST OF THE FLORIDA TURNPIKE; DIRECTING THE TOWN MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; APPROVING VARIANCES FROM TOWN CODE WITH CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pulte Homes – Aaron Struckmeyer, as applicant on behalf of the owner, Center Lake Properties, LTD., requested a rezoning from Lake County Agriculture to Town of Montverde Single Family Residential PUD; and

WHEREAS, the subject properties consist of 117.3+/- acres located, and is more particularly described herein, consisting of Lake County Parcel Id Nos. 09-22-26-0200-037-00000 and 09-22-26-0200-037-00001; and

WHEREAS, the property has a future land use designation of Single-Family Low Density Residential PUD as shown on the Town of Montverde Comprehensive Plan Future Land Use Map; and

WHEREAS, the proposed zoning is consistent with the future land use designation; and

WHEREAS, all property owners within 300 feet of the Property were provided written notice of a requests for variances from the Town's Code and such requests were considered based on the standards set forth in Sec. 10-12, Art. I, Ch. 10 of the Land Development Code; and

WHEREAS, the Town of Montverde Planning and Zoning Board recommended approval of a change in the use of the Property; and

WHEREAS, the Town has held such public hearing and the records of the Town provide that the owners of the land affected have been notified as required by law; and

WHEREAS, this Ordinance has been advertised in a newspaper of general circulation in the town no less than 10 days prior to the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

Section 1: Zoning Classification.

That the Property shall be designated as Town of Montverde Single-Family Residential PUD in accordance with Land Development Code of the Town of Montverde, Florida, and this Ordinance.

See attached legal description attached hereto as **Exhibit A**.

Lake County Parcel Id Nos. 09-22-26-0200-037-00000 and 09-22-26-0200-037-00001 (the "Property").

The Property is more particularly depicted in **Exhibit B** attached hereto and incorporated herein.

Section 2: Terms.

The uses of the Property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as **Exhibit C**. To the extent there are conflicts between **Exhibit C** and this Ordinance, this Ordinance will take precedence.

A. Permitted Land Uses.

1. Residential - a maximum of 234 single-family dwelling units.
2. Accessory uses directly associated with the single-family dwelling units may be approved by the town manager or designee.
3. Any other use of the Property not specified herein will require approval of an amendment to this Ordinance by the Town Council.

B. Setbacks. The minimum setback for residential development shall be as follows:

Single family dwelling unit:

Front: feet from the property line

Side: feet from the property line

Rear: feet from the property line

1. All development, including but not limited to fences, sheds, and accessory structures, excluding permitted docks shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line (whichever line is higher). The seasonal high-water elevation and jurisdictional wetland line shall be established by a qualified professional using soil conditions and vegetative indicators. In ground concrete or fiber glass pools and associated pool decking are permitted within the 50-foot setback but must be at least 25-feet from the seasonal high-water elevation or wetland jurisdictional line (whichever line is higher). Sec. 10-90, Art. III, Ch. 10, LDC.
2. Any setback not specified must be in accordance with the Town of Montverde Land Development Code, as amended.

C. Environmental Requirements.

1. Prior to any development, a current environmental assessment must be submitted to identify impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
2. Must adhere to all Comprehensive Plan and Land Development Code regulations, as amended.

D. Stormwater Management. The storm water management system shall be designed in accordance with all applicable Town of Montverde and St. Johns River Water Management District (SJRWMD) requirements; as amended.

E. Utilities.

1. The provision of potable water must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations.
2. The provision of wastewater service must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations, as well as the City of Clermont regulations.
3. The parties will amend the Utilities Services and Owner Agreement dated June 13, 2017.

F. Recreation areas.

1. Recreation areas must be allocated on the site in accordance with Policy 1-1.14.1 (C), Montverde Comprehensive Plan.
2. Provide and dedicate land for a trailhead so as to provide continuation of the South Lake Trail. Trailhead to be located easterly across Blackstill Lake Road and is approximately 0.823 acres in size.

G. Open space/Impervious Surface Ratio.

1. Minimum open space standard is 20% in accordance with Policy 1-1.1.2, Montverde Comprehensive Plan.
2. Maximum area of site to be covered by impervious surface is 50% in accordance with Policy 1-2.27(B), Montverde Comprehensive Plan.

H. Parking.

I. Transportation.

J. Lighting.

K. Signage.

L. Landscaping.

Section : Variances approved with conditions.

Request 1: Request to allow more than two consecutive single-family homes with the same house model.

Conditions:

1. A street block shall have a minimum of two (2) homes with distinct floorplans or elevations between floorplans with the same elevation. Homes with the same floor plan and elevation shall not be located directly or diagonally across from each other.
2. A street block shall have no less than five (5) homes between floorplans with the same elevation and color.

Request 2: Request to allow coastal style architecture.

Conditions:

1. The Town of Montverde places no conditions on the request; however, the Developer will have to comply with other conditions stated in this document.

Request 3: Request to allow garage doors to exceed 30% of front façade.

Conditions:

1. Should a garage door exceed 30% of the front façade, each home shall have a minimum of two (2) canopy trees, two (2) accent/palm trees, and one (1) street tree located within the grass strip of the ROW. A minimum of 30 shrubs shall be planted in the front yard. Per the Standards & Guidelines criteria, turf grass coverage for each individual lot is limited to 55 percent. In meeting this requirement and to address concerns about monotony, the applicant will utilize landscaping beds including trees in the front yards along lot lines to provide a visual break between houses.
2. Should a garage door exceed 30% of the front façade, pavers shall be used for the driveway and lead walk in lieu of poured concrete, except for the driveway apron.
3. Garages that exceed 30% of the front façade are permitted, however in no instance shall they exceed more than 50% of the front façade.
4. A maximum of 50% of homes can have a front loaded, 3-car garage.
5. All garage doors will be “upgraded” from standard 32 panel garage doors (example attached).

Request 4: Request to allow eaves that are 12” minimum in lieu of 24” eaves.

Conditions:

1. Should any home have less than the required 24” eaves, then 12” eaves shall be permitted if they meet the HERS (Home Energy Rating System) of 75 or below. For reference, the lower the number the more energy efficient a home is. A typical existing home is around 130 and a typical new home (non-Pulte) is around 100.

Request 5: Request to allow window coverings of less than 15% of front façade.

Conditions:

1. Should any home’s front elevation comprise less than the required 15% of windows, the front door shall be predominantly made of glass.
2. In no instance shall any home elevation have less than 7% of windows covering the front, street-facing façade. At least 50% of homes in the community shall meet the 15% window covering requirement for the front elevation, based on the habitable width of each floor multiplied by its height.

Request 6: Request to allow stone veneer as an exterior finish.

Conditions:

1. Veneer with a minimum thickness of 1.5 inches shall be permitted.

2. There shall be a minimum of 5 homes between any two homes with the same color brick or stone veneer.

Request 7,8,9:

8 – Allowance for repetitive driveway locations required due to grading/utilities. Will alternate randomly were possible and not conflicting with grading/infrastructure elements.

7 - Request to allow for 50' lots to be front loaded.

9 - Request to allow more than 50% of the lots to be front loaded.

Conditions:

1. Repetitive driveway locations will only be allowed when grading and site conditions do not allow for random driveways.
2. All corner lots, defined as lots which share both a front and side lot line with the ROW, will have a side loaded garage, with the exception of corner lots adjacent to the two front entrances (example of homes attached).

Request 10: Request to allow garages to be 360 SF minimum interior in lieu of 27'x29' minimum.

Conditions:

1. The Town of Montverde places no conditions on the request; however, the Developer will have to comply with other conditions stated in this document.

Request 11(Gates): Request to allow for a gated community.

Conditions:

1. The buffer along Blackstill Lake Rd. shall include a metal or three rail fence with block pillars spaced every 50 feet minimum to break up the fence.
2. The buffer along Fosgate Rd. shall include a minimum 6' precast wall.
3. The Developer will landscape the outside of the Blackstill Lake Rd. and Fosgate Rd. fence/walls with a minimum of 40 shrubs and 5 trees per 100 linear feet. All trees and shrubs used must be on the Town's approved list.
4. Entrances to the gated community shall have increased landscaping and provide a unique upscale look to the area, which will include the use of pavers in the entrance.
5. The Developer will provide a minimum of two (2) streetlights per development entrance which are acorn style lights as defined in the Standards & Guidelines. Additionally, up-lighting or backlighting will be provided on the community monument signs at each entrance.

Section : General Conditions.

- A. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Town of Montverde Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- B. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present Owner and any successor, and will be subject to each and every condition in this Ordinance.
- C. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the

purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Code, as amended.

- D. Action by the Town Code Enforcement Special Master. The Town Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

Section : Consistent with Comprehensive Plan.

That the zoning classification is consistent with the Comprehensive Plan of the Town of Montverde, Florida.

Section : Official Zoning Map.

That the Town Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the Town of Montverde, Florida, to include said designation consistent with this Ordinance.

Section : Severability.

That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section . Scrivener's Errors. Scrivener's errors in the legal description may be corrected without a public hearing or at a public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section : Conflict.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section : Effective Date.

This Ordinance shall become effective immediately upon its approval and adoption by the Town Council of the Town of Montverde.

ADOPTED AND APPROVED by the Town Council of the Town of Montverde, Lake County, Florida this ____ day of _____, 2021.

Joe Wynkoop, Mayor

Attest:

Brenda Brasher, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

Council Member _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:

	YEA	NAY
Bill Bates		
Allan Hartle		
Jim Ley		
Judy Smith		
Joe Wynkoop		

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
MAP DEPICTING PROPERTY

EXHIBIT C
CONCEPTUAL PLAN

RESOLUTION 2021-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING PRELIMINARY PLAT APPROVAL FOR A 234 LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS BLACK EAST ON BLACKSTILL LAKE ROAD AND FOSGATE ROAD WITHIN THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pulte Group/Aaron Struckmeyer, developer and applicant, desires to plat a residential subdivision to create 234 lots for the purpose of residential construction; and

WHEREAS, Center Lake Properties LDT as owner of the Property has authorized developer/applicant to seek preliminary plat consideration; and

WHEREAS, the Planning and Zoning Committee and the Town Council have considered the application in accordance with the provisions of Section 8.5 – 8.7 Town of Montverde Land Development Regulations; and

WHEREAS, the proposed preliminary plat is consistent with the PUD zoning approved by the Town Council.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Montverde, Florida, as follows:

1. The Town Council of Montverde has determined that the preliminary plat as presented for a 234 lot residential subdivision prepared by VHB having a revision date of _____ and consisting of 23 sheets, to be known as BLACK EAST (the “Preliminary Plat”) meets the criteria as set forth in Sec. 8.7, Town of Montverde Land Development Regulations.

2. The Town Council of Montverde has further determined that the Preliminary Plat is consistent with the Comprehensive Plan for the Town of Montverde.

3. The Preliminary Plat as described above and on file with the Town is **APPROVED**

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this ____ day of _____ 2021.

Joe Wynkoop, Mayor

Attest:

Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney